

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 10-3-18

LORENZO RODRIGUEZ,

Petitioner,

- against -

CYRUS R. VANCE, JR., et al.,

Respondents.

18 Civ. 6202 (JGK)

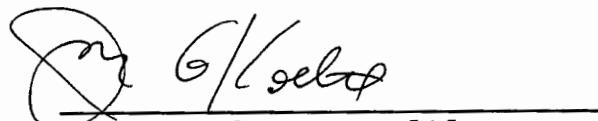
MEMORANDUM OPINION AND
ORDER

JOHN G. KOELTL, District Judge:

The petitioner requests that the Court appoint counsel to represent him. (Dkt. No. 3.) Under 28 U.S.C. § 1915, the Court "may request an attorney to represent any person unable to afford counsel." 28 U.S.C. § 1915(e)(1). However, for the Court to order the appointment of counsel, the petitioner must, as a threshold matter, demonstrate that his claim has substance or a likelihood of success on the merits. See See Hodge v. Police Officers, 802 F.2d 58, 60-61 (2d Cir. 1986). The Court cannot make such a determination until there is further briefing of the petition on the merits. Thus, the petitioner's application for the Court to appoint counsel is **denied without prejudice**. The Clerk of Court is directed to close Docket Number 3.

SO ORDERED.

Dated: New York, New York
October 2, 2018


John G. Koelzl
United States District Judge